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Counsel for Defendant SPRAGANS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWAN ISHMILL SPRAGANS,

Defendant.

No. CR 05-00271-SBA

STIPULATION AND ORDER FOR
CONTINUANCE AND EXCLUSION
OF TIME UNDER THE SPEEDY
TRIAL ACT, 18 U.S.C. §3161 ET SEQ.

Date: November 8, 2005

Time: 10:00 a.m.

Court: Hon. Sandra Brown Armstrong
U. S. District Court

This matter is currently on calendar for sentencing on Tuesday, November 8, 2005, at 10:00 a.m. Defendant Shawan Spragans and the government, through their respective counsel, jointly stipulate and request that the matter be taken off calendar and continued to the new date of December 13, 2005, at 10:00 a.m. for sentencing. The parties further request that the time between today's date and December 13, 2005, be excluded from calculations under the Speedy Trial Act, 18 U.S.C. §3161(h)(1)(I) for the reasons set forth in this stipulation. At this time, the parties have submitted to the Court a proposed plea agreement. Sentencing preparations are in process but are not yet complete. The parties agree that the sentencing date should be continued until December 13, 2005, and further agree that the time between today's date and the date of sentencing on December 13 is automatically excluded under the Speedy Trial Act because this represents a delay resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government. *See* 18 U.S.C. §3161(h)(1)(I).

1 SO STIPULATED.

2 Dated: October 20, 2005

/S/

3 _____
HILARY A. FOX
4 Attorney for Defendant Spragans

5 SO STIPULATED.

6 Dated: October 21, 2005

/S/

7 _____
MERRY JEAN CHAN
8 Assistant United States Attorney

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10
11 SIGNATURE ATTESTATION

12 I hereby attest that I have on file all holograph signatures indicated by a “conformed”
13 signature (“/S/”) within this efiled document.

14 Dated: October 21, 2005

/S/

15 _____
16 MARILEE BARBEAU
17 Legal Secretary

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS that the parties have submitted a proposed plea agreement to the Court for the Court's consideration, and that this proposed plea agreement remains under review. Accordingly, the period of time from today's date until the date of sentencing on December 13, 2005, shall be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(1)(I).

Based on these findings, IT IS HEREBY ORDERED THAT the hearing that is currently scheduled for November 8, 2005, shall be continued to December 13, 2005, at 10:00 a.m. for sentencing, and that the time from today's date through December 13, 2005, shall be excluded for purposes of the Speedy Trial Act, 18 U.S.C. §3161(h)(1)(I).

IT IS SO ORDERED.

Dated: October 21, 2005


SAUNDRA BROWN ARMSTRONG
United States District Court